

REMARKS

Claims 1-10 are presented for examination. Claims 9 and 10 are found allowable subject to being rewritten in independent form.

Claims 1-3 and 5-8 have been rejected under 35 U.S.C. 102(e) as being anticipated by the Ang patent assigned to the assignee of the present application. Claim 4 have been rejected under 35 U.S.C. 103 as being unpatentable over Ang in view of Edson.

These rejections are respectfully traversed for the following reasons.

Anticipation, under 35 U.S.C. § 102, requires that each element of a claim in issue be found, either expressly described or under principles of inherency, in a single prior art reference. *Kalman v. Kimberly-Clark Corp.*, 713 F.2d 760, 218 USPQ 781 (Fed. Cir. 1983); *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 9 USPQ2d 1920 (Fed. Cir. 1989) *cert. denied*, 110 S.Ct. 154 (1989).

However, as demonstrated below, Ang does not disclose each element of the claims.

In particular, claim 1 recites a method of configuring a transceiver having an output driver for driving an output terminal to provide data transmission via residential twisted pair wiring, the method comprising the steps of:

setting a DC level at the output terminal for supplying a transmit signal of a prescribed level to the residential twisted pair wiring,

comparing a controlled value representing the DC level with a predetermined threshold level, and

controlling the output driver until the controlled value is equal to the threshold level.

Independent claim 5, as amended, recites a transceiver for providing data communications over residential twisted pair wiring, comprising:

- an output driver having an output for supplying a transmit signal of a prescribed level to the residential twisted pair wiring, and

- an output drive control system for comparing a DC level set at the output of the output driver with a predetermined threshold signal to control the output driver so as to maintain the transmit signal at the prescribed level.

Hence, claim 1 specifically recites an output driver for driving **an output terminal to provide data transmission** via residential twisted pair wiring.

Further, the claim recites setting a DC level **at the output terminal for supplying a transmit signal of a prescribed level to the residential twisted pair wiring.**

Claim 5 recites that **an output of the output driver supplies a transmit signal** of a prescribed level to the residential twisted pair wiring, and a DC level set **at the output of the output driver** is compared with a predetermined threshold signal to control the output driver so **as to maintain the transmit signal at the prescribed level.**

The Examiner takes the position that the claimed subject matter is described in the abstract of Ang, FIG. 4 of the drawings and col. 8 of the specification that describes the arrangement in FIG. 4.

Considering the reference, Ang discloses calibration of the common mode voltage reference signal to a minimum noise threshold level (see abstract).

FIG. 4 shows a calibration circuit for calibrating **the receiver circuitry** of the transceiver 20 (see col. 6, line 65-68). FIG. 4 shows input circuit 72 of receive amplifier 30 that receives signals from telephone medium (see col. 5, lines 1-3). Amplifier 74 is connected to the input 72 for amplifying the received signals. A common mode voltage signal CM is supplied to the amplifier 74 (see FIG. 4).

The reference describes that the calibration is performed by setting the CM signal to a maximum value and comparing this signal with a minimum slice threshold. The calibrated CM signal sets the base of the receive envelope signal (see col. 8, lines 8-16).

Hence, by contrast with the claimed invention, Ang describes calibration **at the receive input** for receiving signals from the telephone medium rather than at **the transmit output** for providing a transmit signal to the medium.

Accordingly Ang does not teach or suggest setting a DC level **at the output terminal for supplying a transmit signal of a prescribed level to the residential twisted pair wiring**, and comparing the DC level with a predetermined threshold level, as claim 1 requires.

Also, the reference does not teach or suggest comparing a DC level set **at the output for supplying a transmit signal to the residential twisted pair wiring**, with a predetermined threshold signal, as independent claim 5 requires.

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Hence, Ang does not anticipate the invention recited in independent claims 1 and 5. The dependent claims 2-4, and 6-8 are defined over the prior art at least for the reasons presented above in connection with the respective independent claims 1 and 5.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP



Alexander V. Yampolsky
Registration No. 36,324

600 13th Street, N.W.
Washington, DC 20005-3096
Phone: 202.756.8000 AVY:MWE
Facsimile: 202.756.8087
Date: September 21, 2006

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